

REMARKS

1. INTRODUCTION

Applicant thanks the Examiner for allowing claims 16-25, and for the indication of allowable subject matter in claims 3, 4, 7, 10, 11, and 15. In the present Response and Amendment, Applicant has added new claims 26-34. Accordingly, claims 1-34 are currently pending. Applicant respectfully requests further examination and reconsideration of the application in view of the foregoing amendments and the following arguments.

2. NEW CLAIMS

New claims 26-34 are directed toward methods of preparing an air bag module and a vehicle support for final process positioning. Support for these claims may be found throughout the specification and drawings including, for example, Paragraphs 23-34 and Figures 3-7. Applicant submits that the new claims do not add any new matter and are within the scope of the invention.

5. CLAIM REJECTIONS – 35 U.S.C. § 102

A. Claims 1, 2, and 5

Claims 1, 2, and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lutz (US 5,562,301). Applicant respectfully submits that the rejection of claims 1, 2, and 5 under 35 U.S.C. § 102(b) is improper because Lutz does not disclose or suggest all of the limitations recited in the claims. *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Applicant respectfully submits that Lutz does not anticipate claims 1, 2, or 5. Independent claim 1 recites a method of preparing an air bag module for final process positioning, that includes the step of providing an air bag module that has unformed locating features for guiding the air bag module into a mountable position, and the step of shaping the unformed locating features to a predetermined size. In the Action, the Examiner states that Lutz discloses an air bag module (12) having at least three unformed locating features (22) extending

from a base (14) for guiding the air bag module into a mountable position on a vehicle component. Applicant respectfully traverses the Examiner's assertion. Lutz discloses an air bag restraining system that includes an air bag module (12), which has an anchoring plate (14) and a supporting plate (18). Extending from anchoring plate (14) are four fastener bolts (22), which are received by four holes (20) in supporting plate (18). Fastener bolts (22) mount anchoring plate (14) to supporting plate (18), within the air bag module (12). (Col. 2 lines 20-28 and Figs 1-2). Lutz does not disclose or suggest that fastener bolts (22) are provided for guiding the air bag module (12) into a mountable position on a vehicle component. Fastener bolts (22) are employed to construct the air bag module (12) itself. Lutz discloses that air bag module (12) is mounted to the vehicle via screws inserted in holes (26) in fastener pads (24) on supporting plate (18). (Col. 2 lines 28-32). Additionally, Lutz does not disclose or suggest that fastener bolts (22) are at any point unformed, or are later shaped to a predetermined size. Fastener bolts (22) appear to have preformed threads, which are not later shaped to a predetermined size.

Because Lutz does not disclose or suggest all of the steps set forth in independent claim 1, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 102(b) is improper. Because claim 2 depends from claim 1, Applicant submits that the rejection of claim 2 under 35 U.S.C. § 102(b) has been overcome.

Claim 5 recites that the shaping step of claim 2 comprises thermoforming. The Examiner stated in the Office Action that the method of forming the device is not germane to the issue of patentability of the device itself. Applicant respectfully disagrees, insofar as the invention claimed is a method of preparing an air bag module for final process positioning. Lutz does not disclose the step of shaping unformed locating features to a predetermined size by thermoforming. Additionally, claim 5 depends indirectly from claim 1. Accordingly, Applicant submits that the rejection of claim 5 under 35 U.S.C. § 102(b) has been overcome.

For these reasons, Applicant respectfully requests that the rejection of claims 1, 2, and 5 under 35 U.S.C. § 102(b) be withdrawn.

B. Claims 8, 9, 12, and 13

Claims 8, 9, 12, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takada (U.S. Pat. No. 4,793,631). Applicant respectfully submits that the rejection of claims 8, 9, 12, and 13 under 35 U.S.C. § 102(b) is improper because Takada does not disclose or suggest

all of the limitations recited in the claims. Independent claim 8 recites method of preparing an air bag module vehicle support for final process positioning that includes the steps of providing a vehicle support that has a set of unformed locating features for guiding an air bag module into a mountable position on the vehicle support, and shaping the set of unformed locating features to a predetermined size. In the Action, the Examiner states that Takada discloses a vehicle support which is a steering wheel (11, 12) having a set of at least three unformed locating features (24) for guiding an air bag module into a mountable position on the vehicle support, and shaping the set of unformed locating features to a predetermined size. Applicant respectfully traverses this assertion. Takada discloses that element 24 comprises rivets or bolts, which retain annular retainer (22) of the air bag module. Takada does not disclose or suggest that rivets or bolts (24) are at any point unformed, or are later shaped to a predetermined size.

Because Takada does not disclose or suggest all of the steps set forth in independent claim 8, Applicant respectfully submits that the rejection of claim 8 under 35 U.S.C. § 102(b) is improper. Because claims 9, 12, and 13 depend from claim 8, Applicant submits that the rejection of claims 9, 12, and 13 under 35 U.S.C. § 102(b) has been overcome.

Additionally, claim 12 recites that the shaping step of claim 8 comprises thermoforming. The Examiner stated in the Office Action that the method of forming the device is not germane to the issue of patentability of the device itself. Applicant respectfully disagrees, insofar as the invention claimed is a method of preparing an air bag module for final process positioning.

For these reasons, Applicant respectfully requests that the rejection of claims 8, 9, 12, and 13 under 35 U.S.C. § 102(b) be withdrawn.

6. CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully submit that the rejection is improper because the Examiner has failed to establish a prima facie case of obviousness with respect to claims 6 and 14.

“Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 6 and 14.

Claim 6 stands rejected as being unpatentable over Lutz as applied to claim 1, and further in view of Allard et al. (U.S. Patent No. 5,239,147). Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 6, because the Examiner has failed to show that Lutz teaches or suggests all of the claimed limitations. Claim 6 depends from independent claim 1 and incorporates all of the limitations set forth in claim 1. As discussed in Section 5.A, above, Lutz fails to teach or suggest the step of providing an air bag module that has unformed locating features for guiding the air bag module into a mountable position on a vehicle component. As also discussed above, Lutz fails to teach or suggest that such unformed locating features are shaped to a predetermined size. Because the combination of Lutz and Allard et al. does not disclose or suggest all of the limitations set forth in claim 6, Applicant submits that the rejection of claim 6 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicant requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Claim 14 stands rejected as being unpatentable over Takada as applied to claim 13, and in further view of Allard et al. Claim 14 depends from independent claim 8, and includes all of the limitations set forth in claim 8. As discussed in Section 5.B, above, Takada fails to teach or suggest the step of providing a vehicle support that has a set of unformed locating features, or the step of later shaping the features to a predetermined size. Because the combination of Takada and Allard et al. does not disclose or suggest all of the limitations set forth in claim 14, Applicant submits that the rejection of claim 14 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicant requests that the rejection of claim 14 under 35 U.S.C. § 103(a) be withdrawn.

7. **ALLOWABLE SUBJECT MATTER**

Applicant thanks the Examiner for the allowance of claims 16-25, and for the indication that claims 3, 4, 7, 10, 11, and 15 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

8. **CONCLUSION**

A genuine effort to resolve all issues has been made. For the above stated reasons, all of the claims presently pending in this application are believed to be allowable. Accordingly, such action is respectfully requested.

Respectfully submitted,



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